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April 13, 2020

Honorable Colleen McMahon  
Chief United States District Judge  
500 Pearl Street  
New York, New York 10007

**Re: United States vs. John Bizzarro**  
**USDC So. Dist. NY Case No.: 18-cr-675 CM**

Dear Judge McMahon:

Pursuant to Rule 6.3 of the Local Rules of the United States District Court of the Southern and Eastern Districts of New York, and in follow-up to the hearing held this morning in the above-referenced matter, undersigned hereby requests this Honorable Court reconsider the ruling made this morning, and in support of this request, states the following:

1. This morning, at 10:30 am, a hearing was conducted on Defendant, John Bizzarro's Motion for Compassionate Release, pursuant to 18 USC Section 3582(c)(1)(A). The Court denied the Motion due to the statutory 30 day administrative petition requirement. Undersigned feels comfortable representing that the other criteria for compassionate release to home confinement have been met.
2. Undersigned is attaching, as the basis for this request for reconsideration, an Opinion filed today, in the Southern District of New York, by the Honorable Jed S. Rakoff, in the matter of *US v. Haney*, Case No.: 1:19-cr-00541-JSR (DE 27). While ultimately denying the request on the merits, Judge Rakoff provides an in depth analysis of the 30 day administrative petition requirement, finding that under the current crisis, the Court has the authority to waive/excuse this requirement.
3. Undersigned recognizes that a fellow judge's opinion is, at most, persuasive. Perhaps this Court, upon review, will concur with his analysis.

MEMO ENDORSED

4/15/20  
I Am aware of Judge Rakoff's decision - the motion for reconsideration is denied.

Colleen McMahon

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The Government's position was made very clear this morning regarding this request.

We respectfully request the Court reconsider its decision.

Thank you for your time in considering this request.

Respectfully,

*s/Michael J. Rosen*

Michael J. Rosen

MJR:plm

Attachment (1 Exhibit)

cc: AUSA Daniel G. Nessim (via email w/exhibit)

**MICHAEL J. ROSEN, P.A.**